

AUSA: CAB

Aug 04, 2023

County: Spokane

SEAN F. McAVOY, CLERK

In Re Affidavit in Support of Criminal Complaint as to Kevin CHASTAIN (2:23-mj-272-JAG)

AFFIDAVIT

State of Washington)

:ss

County of Spokane)

I, Michael Phelps, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, being duly sworn, state as follows:

INTRODUCTION

1. This affidavit is in support of a criminal complaint charging Kevin CHASTAIN with Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8). I know 18 U.S.C. § 922(g)(1) prohibits the possession of firearms or ammunition that have travelled in or affected interstate or foreign commerce by persons who have been convicted of a crime for which they can be imprisoned for over one year.

2. I have been a Special Agent (“SA”) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) since October of 2021. I have received over five hundred (500) hours of training with the Federal Law Enforcement Training Center Criminal Investigator Training Program as well as over five hundred (500) hours of training with ATF Special Agent Basic Training. This included training in federal criminal law and firearms identification. Prior to my employment with ATF, I was employed as a full-time law enforcement officer in Texas with the Fort Worth Police Department. During my employment with the Fort Worth Police Department, I worked as a uniformed patrol officer for three years. As a uniformed patrol officer, I responded to calls for service and lawfully arrested several people for violating various state law including violent crimes where a firearm was used, controlled substances possession, and controlled

substances distribution. After three years in patrol, I was selected to join the Criminal Intelligence Unit where I worked in a plain-clothes capacity and investigated numerous violent crimes and firearms offenses. I was also tasked with assisting other units within the department and other state and federal agencies. I assisted ATF in a two-year operation that led to multiple federal indictments and convictions for firearms and drug trafficking offenses.

PROBABLE CAUSE

3. On August 3, 2023, United States Federal Probation Officer (“USPO”) Amber Andrade conducted a probation check at 1940 E Tilsley Place, Apartment 6, in Spokane, Washington, in the Eastern District of Washington, the residence of Kevin CHASTAIN (“CHASTAIN”). CHASTAIN is currently on federal supervised release for a previous federal conviction for Federal in Possession of a Firearm and his conditions of supervision allow the USPO to conduct compliance checks, which include searches of his person and property.

4. When CHASTAIN answered the door, USPO Andrade asked CHASTAIN to come outside. Once outside USPO Andrade informed CHASTAIN that Probation would be searching his residence due to having information that CHASTAIN had contraband, specifically fentanyl-laced pills, methamphetamine, cocaine, and numerous firearms. USPO Corey McCain detained and handcuffed CHASTAIN and while performing a pat-down search for contraband on CHASTAIN’s person, USPO McCain located a Ruger Model LCP .380 ACP caliber handgun, bearing serial number 371056028 in CHASTAIN’s left front pants pocket.

5. Based on my training and experience, and the markings on the firearm, I believe the Ruger was not manufactured in the State of Washington. Because it was recovered in Spokane, Washington, I believe it has therefore travelled in or affected interstate commerce.

6. I reviewed CHASTAIN's criminal history and found on or about January 7, 2014, CHASTAIN was sentenced to 41 months confinement and 36 months supervised release in federal court in the Eastern District of Washington for being a felon in possession of a firearm, a federal felony punishable by imprisonment for a term exceeding one year.

CONCLUSION

7. Based upon the information above, I submit there is probable cause to charge CHASTAIN with Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1).

Michael Phelps
Special Agent, ATF

SUBSCRIBED electronically AND SWORN telephonically to before me this 4th day of August, 2023.

Alexander C. Ekelman


The Honorable James A. Goeke
United States Magistrate Judge